IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 66 of 2005

Between:

1 Thondapu Ramakrishna reddy, S/o. Appi Reddy,
R/o. P. Rajavaram Jeelugumilli Mandal, West Godavari District.
2 Thondapu Appi Reddy, S/o. Buchireddy,
R/o. P. Rajavaram Jeelugumilli Mandal, West Godavari District.

..... PETITIONERS

AND

1 The Agent to Government of A.P. (Tribal Welfare) (District Collector)
West Godavari District, Eluru
2 The Mandal Revenue Officer, Jeelugumilli Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction in the nature of Writ of Mandamus declaring the action of the 1st respondent not passing orders in stay petitions in 2 appeals pertaining to the land of Ac. 7-61 cents in R.S.No. 85 situated at P. Rajavaram Village of Jeelugumilli Mandal, West Godavari District.

Counsel for the Petitioners:MR.NARAM.NAGESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for respondents and at their request, the writ petition is disposed of at the admission stage.

Against the ejectment order passed by the Special Deputy Collector (T.W)., K.R.Puram *vide* S.R.Nos.472, 483 of 2001 dated 29.09.2004, the petitioners preferred statutory appeals before the first respondent, Agent to Government of Andhra Pradesh-cum-District Collector (Tribal Welfare), West Godavari District, Eluru, on 23.12.2004 along with applications to stay the eviction orders.

The grievance of the petitioners is that though the first respondent entertained the appeals, he has not passed any orders on the stay petitions and in the process the second respondent is trying to evict them from the suit schedule property.

The learned Government Pleader for Revenue submits that in view of the amendment, an appeal lies to the Additional Agent to the Government i.e., the Project Officer, I.T.D.A, but, no appeal can be entertained by the first respondent.

In view of the same, the petitioner is at liberty to take back the appeal filed before the first respondent and can present the same before the appropriate authority within a period of three weeks from today. On such filing of an appeal the Appellate Authority shall consider and dispose of the stay petition within a period of two weeks from the date of presentation of the appeal. Till the said application is disposed of, the petitioners shall not be dispossessed.

The writ petition is accordingly disposed of.

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A. Gopal Reddy, J

Date: 11.01.2005

Note: Furnish CC by Monday

B/o

va

To

1 The Agent to Government of A.P. (Tribal Welfare) (District Collector)
West Godavari District, Eluru
2 The Mandal Revenue Officer, Jeelugumilli Mandal, West Godavari District.

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.